

REMARKS/ARGUMENTS

Responsive to the Office Action, Applicants acknowledge with appreciation the allowance of Claims 1 through 16, 20 through 36 and 46.

Reconsideration for allowance of Claims 17, 19, 37 through 40 and 42 through 44, as presented with this amendment, is respectfully solicited.

This amendment is not believed to require further extensive consideration or a new search. Accordingly, entry of the amendment in its entirety and consideration for allowance of the claims which were finally rejected in the Office Action is requested.

In this amendment, Applicants have further amended Claims 17, 37, 39 and 42 to more clearly distinguish these claims from the prior art and to comply with the requirements of 35 U.S.C. 112.

In the Office Action, the Examiner rejected Claims 17, 19, 37 through 40 and 42 through 44 under 35 U.S.C. 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter. The Examiner has stated that the limitation in the claims of a corridor formed on the second level and respective separate pathways between the corridor and the first level to provide access between the corridor and each of the dwelling units on each of the levels, respectively, without passing through another dwelling unit is confusing because it is not clear how an occupant of a dwelling unit would pass from one unit to another unit without passing through another unit unless every unit had its own corridor privately interconnected.

Claim 17 has been amended to clarify that the first level is below the second level and the third level is above the second level and that a corridor is formed only on the second level. Claim 17 has been further amended to recite the respective separate pedestrian pathways extend between the

corridor and each of the dwelling units on the first level, each of the dwelling units on the second level and each of the dwelling units on the third level. Claim 17 further recites that these pathways provide for access between the corridor and each of the dwelling units on each of the levels, respectively, without passing through another dwelling unit.

The pathways are not required to be "corridors". For example, referring to Figure 19, it may be seen that access to corridor (618) on the second level (608) is possible through doorways between the dwelling units (626) and (628) and the corridor, respectively. Still further, in the embodiment described and shown, the dwelling units (612) on the first level (606) include rooms (615) on the second level (608) and these rooms are accessible from the first level by internal dwelling unit stairways (617), respectively. Accordingly, occupants of dwelling units on the first level may reach the corridor (618) on the second level by climbing stairs (617) and moving through rooms or living spaces (615) to the doorways which open to the corridor (618), as shown and described.

Accordingly, occupants of the dwelling units (626) and (628) may move directly from the respective dwelling units to the corridor (618) through the doorways shown in Figure 19 and described in the specification at paragraph 0073. Occupants of the respective dwelling units (612) may move directly to the corridor (618) via stairways (617) and through rooms (615) and through the doorways from these rooms to the corridor (618). In every instance, a pedestrian occupying a dwelling unit can access the corridor (618) without passing through another dwelling unit.

Still further, with respect to the dwelling units (630) on level (610), stairways (632) from these dwelling units descend to and open into the corridor (618), as shown in Figures 16, 19 and 20 and described in paragraph 0074. Accordingly, a person occupying a dwelling unit (630) on the third level (610) may

have access to the corridor (618) without passing through another dwelling unit. As mentioned above, the pathways between the dwelling units and the corridor (618) do not require to be corridors. In the examples shown the pathways are doorways to rooms or a stairway. Claim 17, as amended, is believed to clearly define the separate pathways from each dwelling unit to a corridor without passing through another dwelling unit and the claim conforms to the requirements of 35 U.S.C. 112. Accordingly, reconsideration for allowance of Claim 17 and the claims dependent thereon is respectfully requested.

The above discussion with regard to Claim 17 applies as well to Claim 37 as presented herewith, further amended. Claim 37 is believed to clearly recite an arrangement of a three story dwelling unit module with a corridor only on a second or intermediate level and respective separate pathways between the corridor, a first level of the module, the corridor and a second level of the module, and the corridor and a third level of the module whereby these pathways do not pass through another dwelling unit. Reconsideration of allowance of Claim 37 and the claims dependent thereon is also respectfully requested.

Applicants verily believe that the claims presented with this amendment which have been finally rejected, recite combinations which conform to the requirements of 35 U.S.C. 112 and are patentably distinct. The art of record, including U.S. Patent 2,698,973 to Zeckendorf, does not disclose or suggest an arrangement in a three story dwelling unit module of dwelling units, a single corridor on an intermediate level and the respective pathways, as defined in the claims, which avoid forcing a pedestrian to pass through another dwelling unit to access the corridor.

Entry of this amendment in its entirety and consideration for allowance of Claims 17, 19, 37 through 40 and 42 through 44 is respectfully solicited.

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Applicants have made a further diligent effort to advance the prosecution of this application by further amending Claims 17 and 37 and by pointing out with particularity herein how the claims are supported by the specification and drawings and conform to the requirements of 35 U.S.C. 112. An early Notice of Allowance of the claims pending in this application is respectfully requested.

Respectfully submitted,

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